

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 18, 2000

**D032890        People v. Fennell**

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

**D036189        People v. Larios**

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., McIntyre, J.

**D033293        People v. Rodriguez**

The judgment is affirmed. Nares, J., We Concur: Benke, Acting P.J., McDonald, J.

**D036778        City of San Diego v. Superior Court of San Diego County/De Leon et al.**

The petition is denied. The stay issued on November 22, 2000 is vacated.

**D034718        Colvin v. Pennant Village Homeowners Association**

The judgment is affirmed. The Association is awarded its costs and attorney fees on appeal, the amount of which is to be determined by the trial court. Nares, J. We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 19, 2000

**D037020        4805 Convoy Inc. v. Alcoholic Beverage Control**  
The petition is denied.

**D036932        Boyett v. Superior Court of San Diego County/People**  
The petition is denied.

**D036786        Prouse v. Superior Court of San Diego County/Holmes et al.**  
The petition is denied.

**D035629        In re Titus C., a Juvenile**  
Judgment affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

**D036486        People v. DeLaTorre**  
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036344        In re Elaina Rose N., a Juvenile**  
The petition is denied. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D036673        Contursi v. Superior Court of San Diego County/Sullivan Transfer et al.,**  
The petition is denied.

**D036355        Vista Medical Investors Limited Partnership v. Superior Court of San Diego  
County/Norman**  
The petition is denied.

**D034431        People v. Rammal**  
The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D036987        Franco v. Superior Court of San Diego County/Service America Corporation et al.**  
The petition is denied.

**D035800        People v. Pullum**  
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is dismissed.

**D034893        Apartment Opportunity Fund II, L.P. v. New Dawn Equities, Inc.**  
Order denying rehearing and modifying opinion. There is no change in the judgment.

**D033707        People v. Madsen**  
The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 19, 2000 (Continued)

**D036161        In re marriage of Jonaitis**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is dismissed.

**D034868        In re Vernon S., a Juvenile**

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 20, 2000

**D036737        In re Kimberly G., a Juvenile**

The attorney for petitioner Gilbert G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Gilbert G. is dismissed.

**D035931        Brewer v. Parliament Builders**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed.

**D031140        People v. Wand**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D033869        TCEP II Properties Joint Venture v. William Fuess et al.**

The judgment is affirmed and the matter is remanded to the trial court for its determination of an attorney fees award to TCEP II. TCEP II is also entitled to costs on appeal. Benke, J.; We Concur: Nares, J., Huffman, J.

**D032660        People v. Green**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D037069        Eifert v. Superior Court of San Diego County/Cozart et al.**

The petition is denied. Petitioner has an adequate remedy by way of appeal.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 21, 2000

**D037014 Baumer v. Superior Court of San Diego County/People**

The petition is denied.

**D035744 People v. Anderson**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 38).

**D036248 South Coast Newspapers, Inc. et al. v. Superior Court of San Diego County/  
Steven D. et al.**

Let a writ of mandate issue directing the superior court to vacate its August 25, 2000 order. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) Each party is to bear its own costs. CERTIFIED FOR PUBLICATION. McDonald, J. We Concur: Huffman, Acting P.J., Nares, J.

**D035861 In re Marriage of Espinoza and Castillo**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

**D036339 In re Hampton on Habeas Corpus**

The petition is denied.

**D035051 People v. Clemons**

Judgment affirmed. O'Rourke, J; We Concur: Kremer, P.J., Huffman, J.

**D037041 Contursi v. Superior Court of San Diego County/Transfer et al.**

The petition is denied.

**D036499 People v. Phan**

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., McDonald, J.

**D036989 Gaffney v. Superior Court of San Diego County/People**

The petition is denied.

**D036927 Gaffney v. Superior Court of San Diego County/People**

The petition is denied.

**D035105 In re Amanda S., a Juvenile**

The juvenile court's order is affirmed as modified. Work, J., We Concur: Kremer, P.J., Huffman, J.

**D036793 Barrera et al. v. Meyers et al.**

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

**D034666 People v. Chelberg**

Judgment affirmed. O'Rourke, J.; Kremer, P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 21, 2000 (Continued)

**D037024 Gillman v. Superior Court of San Diego County/Futura Properties er al.,**

Real parties in interest are to file a response to the petition on or before January 3, 2001. California Code of Civil Procedures, section 1298, subdivision (b) governs arbitration provisions contained in contracts or agreements between principals and agents in real property sales transactions. It is this court's understanding, however, that the arbitration provision relied on was contained in a Residential Purchase Agreement and Receipt for Deposit between the buyer and seller. It is this court's further understanding that real parties in interest are not parties to that agreement. In addition to addressing the issues in the petition, real parties in interest are requested to address under what theory an arbitration agreement between petitioner and real parties in interest exists.

**D037042 People v. Downey**

The appeal in this matter challenges solely the validity of a plea or admission. Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

December 22, 2000

**D033649        People v. Hicks**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

**D034760        People v. Edrozo**

**D036243        In re Edrozo on Habeas Corpus**

The petition for writ of habeas corpus, In re Edrozo, D036243, is consolidated with the appeal, People v. Edrozo, D034760, for disposition.

**D034760        People v. Edrozo**

**D036243        In re Edrozo on Habeas Corpus**

The judgment is affirmed. The petition is denied. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D034609        People v. Inthavong**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D036870        Bloom v Department of Alcoholic Beverage Control**

The petition is denied.

**D033080        Molnar v. Regents of the University of California et al.**

The judgment of dismissal is affirmed. Each party to bear their own costs. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D033651        People v. Maldonado et al.**

The judgments against Maldonado, Lopez and Lira are affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

**D036417        McAllister Cadillac, Inc. et al. v. Sevacherian**

The judgment is affirmed. The McAllisters are awarded costs on appeal. Kremer, P.J.; We Concur: Huffman, J., Haller, J.